

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., August 27, 1996.

Members present: Mayor G. Michael Shelton; Councilman H. Davis Ballard; Councilwoman Mary L. Flood; Councilwoman Linda Kochendarfer; Councilman W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: Vice Mayor Larry D. Brookshier.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on August 13, 1996, were approved as distributed.

City Manager Gross reviewed a memorandum detailing the Technology Committee's progress in implementing advanced communications technology throughout the community.

Discussion ensued regarding a suggestion by Councilman Tharp to allow individuals who have volunteered for appointment to City boards and commissions an opportunity to speak to Council.

Council established the following practice regarding appointments to City boards and commissions:

Any individual under consideration for appointment to an uncontested seat on a board or commission will have the opportunity to address Council regarding the appointment if they so choose. The individual should notify the City Manager's Office of their request to address Council.

Any individuals under consideration for appointment to a contested seat will need to be prepared to address Council regarding the appointment.

Mayor Shelton reminded Council of the neighborhood meeting at the Bridge School on August 29, 1996, at 7:30 p.m. regarding development of plans for Edmund Street Park and also any other matters of concern within the neighborhood.

Council concurred to reserve a space at Centerfest on September 28. Members of Council will be available during Centerfest to speak with the public from 10:00 a.m. - 6:00 p.m. The D-Day Monument model and exhibits will be on view.

The Mayor stated that the annual Virginia Municipal League (VML) Conference will be held in Roanoke this year. Mayor Shelton indicated that he had been appointed by the President of the VML to serve on VML's Legislative Committee.

Mayor Shelton directed the Finance Committee to work with the City Manager regarding the possibility of the City and Bedford County issuing a joint proposal for appraisal services for the next reassessment. The Finance Committee is to report back to Council.

City Treasurer Joanne M. Caldwell presented to Council the annual report of uncollected real estate and

personal property taxes for fiscal year 1992-93 through 1994-95, as follows:

Real Estate Tax Status as of August 15, 1996:

Tax Year

Assessment

Uncollected

Tax

Percentage

Collected

1993-94

\$1,337,086.94

\$ 3,159.82

99.80%

1994-95

\$1,520,479.98

\$ 6,572.68

99.57%

1995-96

\$1,548,024.18

\$14,860.25

99.04%

Personal Property Tax Status as of August 15th:

1993

\$ 794,511.54

\$ 3,363.32

99.60%

1994

\$ 871,539.81

\$ 5,617.43

99.40%

1995

\$ 984,365.76

\$ 7,771.65

99.20%

Mayor Shelton commended the City Treasurer and her staff for the excellent collection rate for City taxes.

The City Manager stated that in July 1995 the City of Bedford and the City of Lynchburg adopted resolutions to establish Comprehensive Community Corrections Act and Pretrial Services Act programs and to participate in a Community Criminal Justice Board. The City of Lynchburg, acting as fiscal administrator for these programs, has received a \$231,642 grant from the Department of Criminal Justice Services for the continuation of the programs for Fiscal Year 1997. Since Bedford and Campbell counties are now participating in the Blue Ridge Regional Jail, a condition of the grant requires the restructuring of the Community Criminal Justice Board to include them and the appointment of board members. In order to meet this condition, a resolution has been prepared for Council's consideration.

The Clerk of Council read aloud the following proposed resolution:

AMENDED

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEDFORD ESTABLISHING, BY JOINT ACTION OF THE COUNCILS OF THE CITIES OF LYNCHBURG AND BEDFORD, AS WELL AS THE BOARDS OF SUPERVISORS OF THE COUNTIES OF BEDFORD AND CAMPBELL, THE COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

WHEREAS, the Virginia General Assembly enacted the Comprehensive Community Corrections Act for Local Responsible Offenders as Section 53.1-180 et. seq. of the Code of Virginia, and the Pretrial Services Act as Section 19.2 - 152.2 et. seq. of the Code of Virginia, both of which became effective on July 1, 1995; and

WHEREAS, Section 53.1-82.1 of the Code of Virginia requires that the City of Bedford submit a Community-based Corrections Plan to the Virginia Department of Corrections in order to receive reimbursement for eligible costs of jail construction; and

WHEREAS, the Comprehensive Community Corrections Act and the Pretrial Services Act both mandate

that any locality which is required to submit a Community-based Corrections Plan must also establish Community Corrections Programs and Pretrial Services Programs; and

WHEREAS, the Lynchburg Community Diversion Program has served the City of Bedford since 1982 and provided the judicial system with sentencing alternatives for certain misdemeanants and persons who are convicted of non-violent felonies; and

WHEREAS, Sections 53.1-183 and 19.2-152-5 of the Code of Virginia require that each county and city which participates in Community Corrections Programs and Pretrial Services Programs must also establish a Community Criminal Justice Board and, in the case of multi-jurisdictional efforts, that each jurisdiction mutually agree upon the appointments to said Board; and

WHEREAS, the Cities of Lynchburg and Bedford established, by joint resolution effective July 1, 1995, the multi-jurisdictional Lynchburg-Bedford Community Criminal Justice Board; and

WHEREAS, the Counties of Bedford and Campbell, as participants in the Blue Ridge Regional Jail, are also required to participate in the establishment of a Community Criminal Justice Board and in the provision of pretrial and community corrections alternatives; and

WHEREAS, the establishment of a multi-jurisdictional Lynchburg/Bedford/Campbell Community Criminal Justice Board will result in a reduction in administrative costs to each locality, enhanced funding priorities, an increase in grant dollars, greater efficiency in offender supervision, and a more comprehensive regional offender database;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bedford:

1. That the Cities of Lynchburg and Bedford concurrently with the Counties of Bedford and Campbell shall implement the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act as provided herein;
2. That the existing Lynchburg Community Diversion Program be responsible for the implementation of the cited legislative directives;
3. That there is established, effective September 28, 1996, the Lynchburg/Bedford/Campbell Community Criminal Justice Board (the Board), said Board to be composed of the following members who are appointed pursuant to Section 53.1-183 of the Code of Virginia:
 - a. The Chief Judge of the 24th Judicial Circuit Court or another Circuit Court Judge as designated by the Chief Judge of the 24th Judicial Circuit Court;
 - b. The Chief Judge of the 24th Judicial General District Court, or a General District Court Judge as designated by the Chief Judge of the 24th Judicial General District Court;
 - c. The Chief Judge of the 24th Judicial Juvenile and Domestic Relations Court or a Juvenile and Domestic Relations Court Judge as designated by the Chief Judge of the Juvenile and Domestic Relations Court;
 - d. One-year rotating terms for the Commonwealth's Attorney for the City of Lynchburg and Bedford and Campbell Counties, with

the first term served by the Commonwealth's Attorney for Lynchburg followed by Campbell and Bedford Counties;

e. Two-year rotating terms for the Public Defender for Bedford and the City of Lynchburg, with the first term served by the Public Defender for Bedford;

f. The Chief Magistrate for the 24th Judicial Circuit;

g. One-year rotating terms for the Sheriffs for the City of Lynchburg and Bedford and Campbell Counties, the first term served by the Lynchburg Sheriff followed by Bedford and Campbell Counties;

h. The Regional Jail Administrator;

i. Two-year rotating terms for the Chiefs of Police for the Cities of Lynchburg and Bedford, with the first term served by the Chief of Police for the City of Lynchburg;

j. The Director of the Central Virginia Community Services Board or his/her designee;

k. A member of the faculty of Central Virginia Community College, to be designated by the President of Central Virginia Community College; and

l. The City Manager or County Administrator of each participating jurisdiction or his/her designee.

4. That the City of Lynchburg shall act as the administrative and fiscal agent for the Program; and

5. That this resolution shall be effective provided the City of Lynchburg and the Counties of Bedford and Campbell adopt similar resolutions to create the Board.

Councilwoman Kochendarfer moved that the resolution be adopted. The motion was seconded by Councilwoman Flood, voted upon and carried by the following roll call vote:

Councilman Ballard aye

Vice Mayor Brookshier absent

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Mayor Shelton aye

The City Manager stated that the Bedford County Board of Supervisors, at its August 26th meeting, will vote to submit an application to the Department of Youth and Family Services to secure grant funds for both the County and the City from the Juvenile Community Crime Control Act. The grant would be administered by the County. The grant does not require additional local monies but does require that the County continue its current level of funding for juvenile detention and probation.

Mr. Harold Nash, Juvenile Court Services Unit, explained that this is a non-competitive grant.

On motion by Councilman Tharp, seconded by Councilwoman Kochendarfer, voted upon and carried, Council endorsed the local Juvenile Community Crime Control Plan which requests \$154,204 in state funds to be administered by Bedford County for both Bedford County and the City of Bedford pursuant to an existing agreement and approved the submission by the County Administrator of all the necessary documents for this grant.

The City Manager reported that the City's annual Fall Clean-Up Week will be held the week of October 7-11. During this week City crews will pick up leaves, debris, and large metal objects including old bicycles, lawn chairs, stoves, etc. Council was asked to waive the landfill tipping fee from October 5-12. Allowing residents to take their items to the landfill free of charge saves time for the Public Works personnel and facilitates the Clean-Up Week process.

Councilwoman Kochendarfer moved that Council waive the landfill tipping fees for City residents from October 5 through October 12, 1996. The motion was seconded by Councilman Wandrei, voted upon and carried.

The City Manager stated that the Middle School Facilities Utilization Review Committee is requesting that Council proceed with a study to determine the feasibility of using the Bedford Grammar School for developing a middle school to house grades six through eight. The Committee has agreed to assist with the preparation of the request for proposals and to continue its work during the study and after its completion. Mr. Gross indicated that funds are set aside in the current budget to pay for such a study.

On motion by Councilwoman Flood, seconded by Councilman Ballard, voted upon and carried, Council directed the City Manager to prepare and advertise a request for proposals for a study to determine the feasibility of using the Bedford Grammar School for developing a middle school to house grades six through eight.

Councilwoman Kochendarfer moved that Council adjourn into executive session pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)(7), for consultation with legal counsel and staff concerning pending litigation by Jackson Constructors, Inc., and a claim by Duval Zimmerman. The motion was seconded by Councilman Ballard, voted upon and carried by the following roll call vote:

Vice Mayor Brookshier absent

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye Mayor Shelton aye

Council adjourned into executive session at 8:10 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, and Clerk of the Council Hatcher.

Council reconvened into open session at 8:28 p.m.

The Clerk of Council read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Councilman Wandrei moved that the resolution be adopted. The motion was seconded by Councilwoman Flood, voted upon and carried by the following roll call vote:

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier absent

Councilwoman Flood aye

Mayor Shelton aye

Mayor Shelton commended Councilman Wandrei and Councilwoman Kochendarfer, City/County Relations Committee, for the work they are doing with Bedford County on the industrial park.

Mayor Shelton adjourned the meeting at 8:29 p.m.